



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kara Webster et al.

Serial Number: 10/667,143

Filed: Sept. 19, 2003

Group: _____

Examiner: _____

For: TRAILER HITCH GUIDE

Attorney Docket: 2737.DHE.NP

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

02/19/2004 TBESHAH1 00000071 10667143

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130.00 OP

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE VIA FIRST CLASS MAIL
ADDRESSED TO:
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313 ON
Randall B. Bateman *Feb. 12, 2004*
(Date of Deposit)

PETITION TO ACCEPT DECLARATION WITH MISSING INVENTOR

Dear Sir:

Kara Webster and Roger Seiver, Applicants in the above-referenced application, hereby petition the Commissioner for acceptance of the application without the signature of one inventor. As is set forth in additional detail in the attached declaration of Randall B. Bateman, a complete copy of the application and signature documents were sent to Mr. Hawkins attorney. (The documents were not sent directly to Mr. Hawkins due to his request to be contacted through counsel). Mr. Hawkins has failed to return the signature documents, despite repeated requests from Applicants' counsel.

Applicants therefor request that the application be accepted on the signatures of the remaining inventors. Also included is a credit card authorization to cover the petition fee.

The Commissioner is hereby authorized to credit any overpayment or to debit any amount owing to Account No. 502720.

Respectfully Submitted,

BATEMAN IP LAW GROUP



Randall B. Bateman
Reg. No. 37,774

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October 8, 2003

Patents, Trademarks
Copyrights, Unfair Competition
and Related Litigation

† Also admitted in Idaho
‡ Also admitted in N.Y. & D.C.
* Technical Consultants

O. Robert Meredith
311 South State Street, Suite 380
Salt Lake City, UT 84111

Re: Dark Horse Enterprises, Inc.
File No.: 2737.DHE.NP and 2738.DHE.NP

Dear Mr. Meredith:

We represent Dark Horse Enterprises, Inc. with respect to its intellectual property matters. It is our understanding that you represent John Hawkins with respect to such matters and have been instructed by Dark Horse Enterprises, Inc. to communicate with your regarding Mr. Hawkins. If you do not represent Mr. Hawkins or wish us to communicate directly with Mr. Hawkins, please let us know as soon as possible.

Enclosed with this letter are two non-provisional U.S. patent applications which we have prepared and filed relating to inventions in which we understand that Mr. Hawkins is an inventor. Pursuant to U.S.P.T.O. regulations, we are providing a complete copy of each of these patent applications along with a declaration and an assignment for execution by Mr. Hawkins. Please have Mr. Hawkins execute these documents by no later than October 31, 2003, and return them to our offices. If Mr. Hawkins is unwilling to execute the documents, please advise us of the same, and we will take the necessary procedures to resolve the matter before the U.S. Patent and Trademark Office.

We look forward to receiving your prompt reply. If you have any questions, please feel free to contact us.

Very truly yours,

BATEMAN IP LAW GROUP

Randall B. Bateman

RBB:seg
Enclosures
cc: Kara Webster

Kara Webster

From: John@darkhorsemfg.com
Sent: Monday, August 04, 2003 9:09 PM
To: Rodger Siever
Cc: Kara@Darkhorsemanufacturing.Com; KARAWEBSTER@aol.com
Subject: Please Direct All Future Correspondence To My Attorney Of Record.

Dear Roger & Kara

Until I received this morning's threatening voice message left by Roger on my cell phone (Roger Knew I Was Busy Until 2:00 PM) I had every intention of signing everything you both wanted giving you both complete control of Dark Horse. I had been advised by my attorney's not to do so but that if I was determined to go against their advise they wanted me to at least have copies of what it was I was signing off on. I am sure the two of you would require the same from me if I was asking you to sign any papers releasing you from a business that had occupied most your life and thousands of your personal hours over the last year.

I knew weeks ago that if I were to remain friends with the two of you I had to distance myself from the business and let you run it the way you wanted. I really did love and care about the two of you and you both had my utmost respect and admiration, and for the first time in my life I was willing to put our friendship before making money (money that I desperately needed). I repeatedly tried to protect you both from mistakes I thought were being made so that the company could recover from the initial TV test and start making money, and if done right Dark Horse can and will make a fortune.

Now that you have shown me you're real objective and intentions through your actions and threats I am left with no

choice but to hire new counsel with court experience in Patent Issues and Corporate Law. As far as the house in Draper goes your stipulation that you would not give me an option to purchase until I gave up my interest in the companies and the patents that I designed myself and perfected is another clue to your intentions. Out of the \$20,009.38 in money that I was paid over the last year \$2,056.00 was for the closing costs on the house and \$367.80 and another \$380.50 was to Farmers Insurance for homeowners insurance. Not to mention the personal money that I have spent repairing the house and excavating the yard (\$2,000 +) all this for a house you never intended on selling me or at the very least holding hostage until you got what you wanted.

So for the last year of my life and all the research and development and work that I have done I made a whopping \$17,205.08 its funny but I have made over half of that amount in the last two and a half weeks its just to bad it will all go to legal fees. I also think you need to talk with Tim Smith again I have the proof and the design drawings that I personally did all of the improvements and design work for the patents plus he has a huge conflict if interest and may end up in court himself.

Sincerely

John Hawkins

Please Direct All Future Correspondence And Or Personal Threats To My Attorney Of Record.

O. Robert Meredith

Attorney at Law

311 So. State St., Suite 380

Salt Lake City, UT 84111

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Fax: +1(801)521-3731

O. ROBERT MEREDITH
Attorney At Law

October 28, 2003

Randall B. Bateman
Attorney At Law
10 West 100 South, Suite 425
PO Box 1319

Via US Mail and E-Mail
rbb@utah-ip.com

Salt Lake City, Utah 84110

Re: John Hawkins

Dear Mr. Bateman,

I am received of your letter of October 24, 2003 concerning my client Mr. Hawkins.

Attached to this e-mail is a copy of a letter addressed to Mr. Upchurch and Lignell dated September 16, 2003, which accurately portrays the financial situation of my client. Although these facts have been relayed to Mr. Upchurch, I feel that you, as one of Mr. Seiver's counsel, should know of the situation.

As of this date, Mr. Hawkins has assigned his interest in the hitch to a third party for value consideration. This assignment not only includes the original application filed by Hawkins but also the application filed by you for Hawkins, Seiver and Webster. I have been advised by Dana L. Tangren, Workman Nydegger, that Mr. Hawkins, or his assignee, may proceed as one of the owners, under the patent which you filed, to produce the Trailer Hitch. I have been further advised that Mr. Hawkins, as the original inventor, could file for his own patent and request that the Patent Office invoke interference with your application.

Mr. Hawkins has made arrangements for your clients Webster and Seiver to purchase the interests of the assignee, if they wish to do so. Negotiations would include all patents owned by

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Phone (801) 531-6600 * Fax (801) 521-3731 * email meredith@aros.net

Mr. Hawkins on the trailer hitch and the bedding along with a mutual release by all parties. It is my opinion that this would be a logical solution to the disputes, which have arisen between our clients.

Please contact this office before the close of business on October 30, 2003 if you wish to accept Mr. Hawkins Offer.

Sincerely yours,

O. Robert Meredith

CC: Via US Mail and E-Mail
Howard L. Upchurch hkupchurch@bledsoe.net

BATEMAN
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Patents, Trademarks,
Copyrights, Unfair Competition
and Related Litigation

† Also admitted in Idaho
‡ Also admitted in N.Y. & D.C.
* Technical Consultant

December 31, 2003

Robert Meredith
311 South State Street, #380
Salt Lake City, UT 84111

Re: U.S. Patent Application for
TRAILER HITCH
File No.: 2737.DHE.NP

Dear Mr. Meredith:

A couple of months ago we sent a letter regarding the above-referenced application and providing you a copy of the application and signature documents. We have not received a copy of the executed signature documents, nor have we received your indication that your client would not sign the documents. Please provide us either with the signature documents or a written confirmation from your client that he will not sign the signature documents by no later than **January 15, 2004**.

If you have any questions, please feel free to contact us.

Very truly yours,

BATEMAN IP LAW GROUP



Randall B. Bateman

RBB:seg